

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LATEX GLOVES PRODUCTS : MDL DOCKET NO. 1148
LIABILITY LITIGATION :
: ALL CASES

CASE MANAGEMENT ORDER NO. 34
RE: GUIDELINES FOR DEFENDANTS' PRODUCTION OF DOCUMENTS

AND NOW this 1st day of June, 1998, upon conference, the following guidelines shall govern defendants' production of documents to plaintiffs, except to the extent that plaintiffs have negotiated different or additional arrangements with individual defendants.

A. Date of Production

On June 16, 1998 defendants who are currently parties in the cases identified in Case Management Order No. 18 shall produce all available non-privileged documents responsive to the Merits Requests for Production of Documents of Plaintiffs Addressed to All Defendants -- First Set. By July 14, 1998 defendants shall produce all other responsive non-privileged documents.

In the event a defendant believes it will be unable to complete the document production by July 14, 1998, counsel for that defendant shall meet and confer with its respective plaintiffs' spokesperson, see infra section I, to attempt to reach agreement on an appropriate time table for production. If the parties are unable to reach agreement, the defendant may apply to the Special Master for relief from the July 14, 1998 deadline by an application submitted prior to that date.

B. Volume of Production

By June 9, 1998 each defendant shall provide its respective plaintiffs' spokesperson with an estimate of the pages and/or documents to be produced.

C. Indices

Indices subject to production (as identified in the attached February 23, 1998 letter between counsel) shall be made available to plaintiffs no later than one week before the commencement of the document production.

D. Hours of Production

To the extent that defendants are producing documents at their own facilities or the offices of their counsel — and upon reasonable notice by plaintiffs — defendants shall open their facilities or offices to plaintiffs' counsel for document review Monday through Friday, 8:00 a.m. - 9:00 p.m., and Saturday 9:00 a.m. - 2:00 p.m.

E. Off-Site Imaging, Scanning or Photocopying of Documents

Plaintiffs' review of defendants' documents shall occur at defendants' facilities or offices, during the hours set forth above, section D. Plaintiffs may not take a producing defendant's documents off site for the purpose of imaging/scanning or photocopying unless (1) plaintiffs disclose to the producing defendant the name and address of the vendor; (2) the vendor is located in the same city as, or as close as possible to, the facility in which the defendant is producing the documents; (3) plaintiffs complete a log in the form annexed hereto as exhibit A; and (4) a defendant's representative is permitted to accompany the documents to the vendor to ensure that plaintiffs comply with their obligations under this section.

Plaintiffs shall take steps to ensure that the documents taken off site for imaging/scanning or photocopying are maintained in a secure fashion, are not disclosed to third parties other than those persons performing the imaging/scanning or photocopying, and are returned in a timely fashion and in the same order and condition in which they left the producing defendant's premises. Plaintiffs shall bear transportation costs associated with off site imaging/scanning or photocopying.

F. Identification of Scanned Documents

Within a reasonable period of time — but in no event later than three weeks after imaging/scanning or photocopying is complete — plaintiffs shall provide defendants with a list of the documents imaged, scanned or photocopied (by Bates number start and Bates number end).

G. Cost-Sharing

Defendants who would like copies of the imaging/scanned documents and/or objective indices, or both, of their documents will so advise plaintiffs and agree to pay one-half of the actual costs incurred by plaintiffs in connection with imaging/scanning and objective coding. Upon request, plaintiffs shall provide a written accounting of costs incurred.

H. Costs

Unless otherwise agreed to, see supra section G, plaintiffs shall bear 100% of the costs of their photocopying, imaging, or scanning of defendants' documents, as well as their travel costs to and from defendants' facilities or offices.

I. Plaintiffs' Spokespersons

Plaintiffs' Steering Committee has appointed the following plaintiffs' attorneys to speak for all plaintiffs in connection with the production of documents for the defendants listed below.

For all Baxter and Allegiance entities:

Howell K. Rosenberg
(215) 569-4000 (phone)
(215) 569-2222 (fax)

For Johnson & Johnson:

Martis Ann Bracht
(212) 907-0700 (phone)
(212) 818-0477 (fax)

For Becton, Dickinson and Company

Daniel E. Bechnel
(504) 536-1186 (phone)
(504) 536-6445 (fax)

For Smith & Nephew and Ansell:

Leonard V. Fodera
(215) 561-2000 (phone)
(215) 561-0190 (fax)

For Regent-LIG entities:

Thomas H. Bleakley
(313) 640-9900 (phone)
(313) 640-9924 (fax)

For Safeskin:

Steven Kazen or Aaron Simon
(510) 465-7728 (phone)
(510) 835-4913 (fax)

For HIMA:

Robert K. Jenner
(301) 315-2000 (phone)
(301) 315-0210 (fax)

For Tillotson entities:

Douglas S. Roberts
(614) 469-1400 (phone)
(614) 469-0900 (fax)

For All Distributors:

Edward W. Gale
(612) 227-9505 (phone)
(612) 297-6641 (fax)

For all other Defendants (unless otherwise later designated
by Plaintiffs' Steering Committee):

Michael Monheit or Peter Kohn
(215) 561-2100 (phone)
(215) 561-0190 (fax)

In dealing with counsel for the producing defendant(s) to which he or she is assigned, each plaintiffs' spokesperson shall act on behalf of all plaintiffs with regard to all questions of document production, scheduling of such document production, and any other questions or problems which may arise during the course of the document production regarding that defendant.

Edmund V. Ludwig